

SCOPING REPORT:  
CARLSBAD PROJECT WATER OPERATIONS  
AND WATER SUPPLY CONSERVATION  
ENVIRONMENTAL IMPACT STATEMENT



February 28, 2003

*Prepared for:*

**Bureau of Reclamation**  
Albuquerque Area Office  
505 Marquette NW, Suite 1313  
Albuquerque, New Mexico 87102

*and*

**New Mexico Interstate Stream Commission**  
PO Box 25102  
Santa Fe, New Mexico 87504-5102

*Prepared by:*

**Tetra Tech, Inc.**  
3775 Iris Avenue, Suite 4  
Boulder, Colorado 80301



# SUMMARY

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## INTRODUCTION

The U.S. Bureau of Reclamation (Reclamation) and the New Mexico Interstate Stream Commission (NMISC) are preparing an environmental impact statement (EIS) on Carlsbad Project water operations and water supply conservation to address changes in the operation of Sumner Dam, located on the Pecos River, New Mexico, and implementation of a proposed water acquisition program in the Pecos River Basin. Reclamation is the lead federal agency and the NMISC will serve as a joint lead agency for NEPA compliance for the proposed action. The purpose of Reclamation's proposed federal action is to conserve the Pecos bluntnose shiner, a federally threatened fish species, and to conserve the Carlsbad Project water supply. The underlying need for Reclamation action is compliance with the Endangered Species Act and Reclamation's responsibility to conserve the Carlsbad Project water supply.

Public involvement for the Carlsbad Project Water Operations and Water Supply Conservation EIS is being conducted in two phases, as follows:

- Public scoping prior to NEPA analysis to obtain public input on issues and proposed alternatives, and
- Public review and comment on the Draft EIS, which includes analyzing possible environmental impacts and identifying the preferred alternative.

Scoping is a public process designed to determine the scope of issues and alternatives to be addressed in a NEPA document. This report documents the results of the public scoping phase of this project.

## PUBLIC SCOPING ACTIVITIES

The scoping process for the Carlsbad Project Water Operations and Water Supply Conservation EIS began on October 4, 2002 with the publication of a notice of intent

(NOI) in the *Federal Register*, which notified the public of Reclamation's intent to re-operate the Sumner Dam and implement a water acquisition program in the Pecos basin.

In order to inform interested parties of the Carlsbad Project Water Operations and Water Supply Conservation EIS, the location of scoping meetings, and the opportunity to comment, a directed mailing was sent in the form of a newsletter on October 10, 2002 (Appendix B). *River Notes* was mailed to over 200 contacts on the distribution list. Newspaper advertisements and a press release also were issued to notify the public of the project, to announce the four public scoping meetings, to request public comments, and to provide contact information. A display advertisement (Appendix C) was published on October 16, 2002 in the *Hobbes News-Sun*, *Current Argus*, and *Roswell Daily Record*. It was also published in the *DeBaca County News* and the *Santa Rosa Communicator* on October 17, 2002 and the *Santa Rosa News* on October 18, 2002. The same text as in the display advertisement also was published as a legal notice in the October 16, 2002 edition of the *Albuquerque Journal*.

Public scoping meetings were held in Santa Rosa, Fort Sumner, Carlsbad, and Roswell, New Mexico on October 21, October 22, October 23, and October 24, 2002, respectively. These meetings provided an opportunity for the public to receive information, ask questions, and provide input. Fact sheets about the project were distributed (Appendix D). A total of 94 members of the public attended the scoping meetings.

## **PUBLIC SCOPING RESULTS**

Methods of submitting comments included verbal and written input provided at the public scoping meetings, letters, and comment forms (Appendix E). The public scoping period official closed on December 6, 2002; however, all written submissions received through December 18, 2002 are included in this analysis. All comments will be evaluated by the NEPA Interdisciplinary Team and incorporated into the EIS, as appropriate. A total of 121 verbal comments were recorded during the four scoping meetings: 24 in Santa Rosa, 42 in Fort Sumner, 38 in Carlsbad, and 17 Roswell. Six written submissions were received over the comment period.

Overall, comments generally focused on the following: the habitat and river flow requirements of the Pecos bluntnose shiner; impacts to property owners, particularly farmers and to industries dependent upon the river; concern over water rights; dam operations; the possibility of using watershed management and brush removal to improve conditions on the river; and obtaining accurate readings to determine current flow rates prior to altering them.

Appendix F contains a list of all written submissions. The majority (four of the six letters received) of written submissions were from individuals, and two were from representatives of the Fort Sumner Irrigation District. Verbal comments from the scoping meetings were recorded on flip charts, which are incorporated into the Administrative Record for the project.

## **FUTURE STEPS**

Although Reclamation welcomes public input at any time during the project, the next official public comment period will be open upon publication of the Draft EIS, which is anticipated in the winter of 2003. The availability of the draft document will be announced in the *Federal Register*, and a 90-calendar-day public comment period will follow. Everyone that participated in the scoping process will be notified about the release of the Draft EIS. Public hearings will be held in Santa Rosa, Fort Sumner, Carlsbad, and Roswell, New Mexico, during the 90-day review period.

At the conclusion of the public comment period, the Draft EIS will be revised. A Final EIS will then be published. The availability of the proposed document will be announced in the *Federal Register* and through the distribution list.

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# SECTION 1

## INTRODUCTION

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### 1.1 PUBLIC INVOLVEMENT PROCESS

Public involvement is a vital component of the National Environmental Policy Act (NEPA) of 1969 (Public Law 91-190) and the Council on Environmental Quality regulations. In addition to facilitating the dissemination of information, effective public involvement vests the public in the decision-making process and provides a means for full environmental disclosure. Guidance for implementing public involvement is codified in 40 Code of Federal Regulations 1506.6, thereby ensuring that federal agencies make a diligent effort to involve the public in preparing NEPA documents.

Public involvement for the Carlsbad Project Water Operations and Water Supply Conservation EIS is being conducted in two phases:

- Public scoping prior to NEPA analysis to obtain public input on issues and proposed alternatives, and
- Public review and comment on the Draft EIS, which includes analyzing possible environmental impacts and identifying the preferred alternative.

Scoping is a public process designed to determine the scope of issues and alternatives to be addressed in a NEPA document. Scoping helps ensure that real problems are identified early and that they are properly studied; that issues of no concern do not consume time and effort; and that the proposed action and alternatives are balanced, able to be implemented, and thorough.

### 1.2 TRIBAL COORDINATION

As part of the public outreach process, Reclamation solicited government-to-government consultation with potentially affected tribal governments regarding Indian Trust Assets. Letters were sent to eight tribes and pueblos (Table 1-1), along with copies to the Bureau of Indian Affairs and New Mexico Historic Preservation Division. Copies of these letters are provided in Appendix G.

**Table 1-1**  
**List of Tribal Governments Contacted**

<b>Tribe or Pueblo</b>	<b>Contact for Letter</b>	<b>Copied on the Letter</b>
Pueblo of Jemez	Governor Paul Tosa Pueblo of Jemez P.O. Box 100 Jemez Pueblo, NM 87024	
Pueblo of Ysleta del Sur	Governor Albert Alvidrez Pueblo of Ysleta del Sur P.O. Box 17579 El Paso, TX 79907	Rick Casada, Cultural Resources Coordinator Pueblo of Ysleta del Sur P.O. Box 17579 El Paso, Texas 79907
Pueblo of Isleta	Governor Alvino Lucero Pueblo of Isleta P.O. Box 1270 Isleta Pueblo, NM 87022	John Sorrell, Hydrologist Pueblo of Isleta P.O. Box 1270 Isleta Pueblo, New Mexico 87022
Kiowa	Earl Yeahquo, Chairman Kiowa Business Committee P.O. Box 369 Carnegie, OK 73015	George Daingkau Kiowa NAGPRA Coordinator Route 2, Box 74 Ft. Cobb, OK 73038
Mescalero Apache	Sara Misquez, President Mescalero Apache Tribe P.O. Box 227 Mescalero, NM 88340	Donna McFadden Tribal Historic Preservation Officer Mescalero Apache Tribe P.O. Box 227 Mescalero, NM 88340
Fort Sill Apache	Ruey Darrow, Chairman Fort Sill Apache Business Committee Route 2, Box 121 Apache, OK 73006	
Comanche	Johnny Wauqua, Chairman Comanche Tribal Business Committee P.O. Box 908 Lawton, OK 73502	Jimmy Arterberry NAGPRA Coordinator P.O. Box 908 Lawton, OK 73502
Hopi	Chairman Wayne Taylor, Jr. Hopi Tribe P.O. Box 123 Kykotsmovi, AZ 86039	Leigh Kuwanwisiwma, Director Hopi Cultural Preservation Office P.O. Box 123 Kykotsmovi, AZ 86039

# CHAPTER 2

## PUBLIC SCOPING ACTIVITIES

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### 2.1 ADVERTISEMENTS AND ANNOUNCEMENTS

The public scoping process for the Carlsbad Project Water Operations and Water Supply Conservation EIS began on October 4, 2002 with the publication of a notice of intent (NOI) in the *Federal Register*, which notified the public of Reclamation's intent to Re-operate the Sumner Dam and implement a water acquisition program in the Pecos Basin (Appendix A). The NOI also solicited public comments.

In order to inform interested parties of the Carlsbad Project Water Operations and Water Supply Conservation EIS, a project newsletter, *River Notes*, was mailed to approximately 200 contacts on October 10, 2002. The newsletter distribution list included federal, state, and local elected officials, federally recognized tribes, agency representatives, property owners in the Pecos River Basin, interested individuals, and special interest groups and organizations. This first volume of *River Notes* provided an overview of the project and the Pecos bluntnose shiner, encouraged public comments, and listed the location and dates of public scoping meetings (Appendix B).

Newspaper advertisements were also published to notify the public of the project, to announce the four public meetings, to request public comments, and to provide contact information. A display advertisement (Appendix C) was published on October 16, 2002 in the *Hobbes News-Sun*, *Current Argus*, and *Roswell Daily Record*. It was also published in the *DeBaca County News* and the *Santa Rosa Communicator* on October 17, 2002 and the *Santa Rosa News* on October 18, 2002. The same text as in the display advertisement also was published as a legal notice in the October 16, 2002 edition of the *Albuquerque Journal*.

### 2.2 PUBLIC SCOPING MEETINGS

Scoping meetings were held in Santa Rosa, Fort Sumner, Carlsbad, and Roswell, New Mexico during the week of October 21, 2002 (Table 2-1). These meetings provided an opportunity for the public to receive information, ask questions, and provide input.

The meeting format allowed for interaction of participants with both each other and with representatives of Reclamation and the Interstate Stream Commission, prior to a more structured presentation of the proposed project and solicitation of comments. Posters showing an outline of the NEPA process as it applies to the Carlsbad Project water operations and water supply conservation activities and a map of the project areas were displayed throughout the meeting. Fact sheets about the project and the project newsletter were distributed (Appendix D). A total of 94 people attended the scoping meetings.

**Table 2-1**  
**Scoping Meeting Schedule and Attendance**

<b>Venue</b>	<b>Location</b>	<b>Date</b>	<b>Time</b>	<b>Attendance</b>
City Hall Meeting Room	Santa Rosa, New Mexico	October 21, 2002	7:00 PM – 9:00 PM	16
Village Community House	Fort Sumner, New Mexico	October 22, 2002	7:00 PM – 9:00 PM	45
Pecos River Village Conference Center	Carlsbad, New Mexico	October 23, 2002	7:00 PM – 9:00 PM	27
Bureau of Land Management Conference Room	Roswell, New Mexico	October 24, 2002	7:00 PM – 9:00 PM	6
<b>Total</b>				<b>94</b>

# CHAPTER 3

## PUBLIC SCOPING RESULTS

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### 3.1 METHOD OF COMMENT COLLECTION AND ANALYSIS

Methods of submitting comments included oral testimony provided at the scoping meetings, written comment forms (Appendix E), letters, and electronic mail. In order to ensure that verbal comments were properly registered during the scoping meetings, each individual's comments were recorded on an easel pad display. The individual commentor and project representatives then reviewed each comment to ensure an accurate representation of each individual's input.

In order to ensure that written comments were properly registered and that none were overlooked, a two-part management and tracking system was adopted. This system involved registering each written submission in the mailing list database and then tracking all individual comments within each submission for analysis. Written submissions were coded, read, and evaluated to determine their content. Many scoping letters listed multiple specific comments, issues, or concerns. Each of these comments was recorded individually in order to do content analysis.

The scoping period officially ended on December 6, 2002; however, all comments received up to December 18, 2002 are included in this report.

### 3.2 SUMMARY OF COMMENTS

A total of 121 verbal comments were recorded during the four scoping meetings: 24 in Santa Rosa, 42 in Fort Sumner, 38 in Carlsbad, and 17 Roswell. All information received through the scoping process will be evaluated, verified, and incorporated into the EIS, as appropriate. Specific comments captured during the scoping meetings are presented in Tables 3-1 through 3-4, provided at the end of this section. Six written submissions were received over the comment period.

#### 3.2.1 Verbal Comments

The primary focus of comments during the Santa Rosa meeting was on the habitat and requirements of the Pecos bluntnose shiner. Impacts to property owners and industries

dependent upon the river, as well as dam operations, also were identified as elements of concern (Table 3-1).

The focus of input from the Fort Sumner scoping meeting (Table 3-2) was the habitat requirements of the shiner, concern over the contractual relationship between FSID and Reclamation regarding the diversion dam, and the possibility of using watershed management and brush removal to improve conditions on the river. Participants also were interested in the relationship between historical flows and the survival of the shiner.

The primary focus of comments during the Carlsbad scoping meeting included the ecology of the shiner, obtaining accurate flow rates, optimum flows, and the hydrologic model. The effects of dams on the shiner and the economic effects of various means of obtaining water rights also were discussed (Table 3-3).

Much of the input from the Roswell meeting centered on the flow requirements to maintain the shiner's habitat, economic impacts (to farmers) of changes in water availability and quality, historic and required flow rates, and potential sources for water acquisition (Table 3-4).

#### **3.2.2 Written Comments**

Six written submissions were received over the comment period. The written comments (provided in Appendix F) focused on impacts to farmers of water releases from Sumner Dam, consideration of economic impacts in the EIS, ensuring that accurate flow data is used for analysis, impacts to FSID water rights, consideration of other fish species that may be affected by changes in flows. Additions to mailing list also were included.

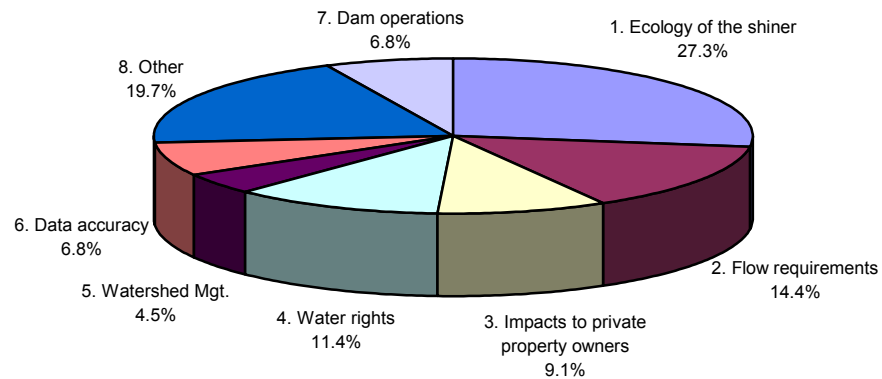
#### **3.2.3 Analysis of Comments**

All comments received during the scoping period were coded according to the following eight categories:

1. Ecology of the shiner;
2. Flow requirements;
3. Impacts to property owners, particularly farmers and industries dependent upon the river;
4. Concern over water rights;
5. Watershed management;
6. Obtaining accurate data;
7. Dam operations; and
8. Other.

As shown on the chart below, the majority (approximately 27.3 percent) of comments fell into Category 1. Relatively high percentages of the comments fell under Categories 2 and 4. Category 5 had the fewest (approximately 4.5 percent) comments. About 69 (52.3 percent) of comments were information seeking, and 63 (47.7 percent) presented an issue.

**Figure 3-1**  
**Comment Categories**



**Table 3-1**  
**Santa Rosa, New Mexico, Scoping Meeting Comments**

<b>Comment Number</b>	<b>Comment</b>
1	What options are available as sources of water for the water acquisition (eg., is groundwater pumping a viable option)?
2	What other infrastructure besides Sumner Dam would be modified?
3	How will impacts on the human environment be accounted for? Will the needs of individuals and groups be incorporated into the project?
4	If water rights are sold, the sale can impact the operations and maintenance costs for the East Puerto de Luna Ditch. Therefore, the Ditch Commissioner should have input into selling these water rights. This will have the greatest impact on smaller property owners, which comprise most of the upper portion of the Pecos River.
5	The transfer of water rights will result in lower property values and less local tax revenue. This will have the greatest impact on smaller property owners, which comprise most of the upper portion of the Pecos River.
6	What is the most critical time for the shiner? The most critical months are June, July, and August.
7	What is the value of the shiner?
8	How has the shiner survived periods of drought for so long?
9	Boating shiners, harvest shiners, put them in tanks.
10	Could the former Blue Hole Fish Hatchery be used to propagate the shiner? Could they survive in a pond habitat?
11	a) Did critical shiner habitat remain wet this year? Not all shiner habitat remained wet: mainly the upstream reach (40 miles between 380 bridge up to Dunlap) went dry for 11 days. b) What was the effect on the shiner of the dry reaches? Shiner populations declined to the lowest numbers since 1994 for the entire river system.
12	What water would be acquired to improve the shiner's habitat—Carlsbad Irrigation District Water? Water could be acquired from any available source for the shiner.
13	Why not move the fish to a gaining reach between Santa Rosa and Fort Sumner?
14	Current water operations focus on storing water downstream and not up in the upper reach.
15	A long-term plan is needed for dam operations in order to gain reserves behind the dam.
16	How can these plans use a five- to ten- year horizon, when it is not possible to project conditions four to six months ahead. Constraints include state line requirements and drought.
17	Water calls seem to happen most frequently during the peak tourism period, which would impact the local economy.
18	Large block releases from the upper dams have a large economic impact on such industries as sport fishing and boating.
19	This year should not be used as a baseline or average.
20	The primary objective of the EIS is to conserve Carlsbad Irrigation District water but does not provide equal protection to other users.
21	It is important to use all data and on-going research in the EIS.
22	What is the status of trans-basin diversion from the Canadian River Basin to the Pecos River Basin?
23	The El Rito Creek flood control structure has been breached and needs to be repaired.



**Table 3-2**  
**Fort Sumner, New Mexico, Scoping Meeting Comments**

<b>Comment Number</b>	<b>Comment</b>
1	The Bureau of Reclamation owns the diversion dam. If FSID has been paying for it, why is it not owned by FSID?
2	What is the estimated cost of the EIS and where is the money for it coming from?
3	Once this is in the Federal Register, it should be clearly stated that FSID will own the dam and is paying for it.
4	When writing the EIS, take into account an updated recovery plan (regarding the shiner) and executive order 12630.
5	The public is essentially in the dark regarding recovery studies and field studies on the shiner.
6	The EIS should take into account delivery of water to Texas.
7	When will the shiner recovery plan be updated?
8	Last year or the previous year, the US Fish and Wildlife Service and New Mexico Department of Game and Fish published a report (consisting of 50 to 60 pages) on the Pecos Bluntnose Shiner.
9	Who will prepare the EIS, and when will it be available?
10	Consider global climate change in the EIS. We are in a drought, and temperatures are increasing. What are baseline conditions and future trends? Consult the federal (in Reno, NV) and ABQ weather centers.
11	Who are the decision-makers?
12	What does taking over (operations of) the Sumner dam mean to the public? The prepared statement on this topic does not provide enough information for the public to provide input.
13	Emphasis should be placed on providing water to portions of the river where there is year-round flow.
14	How will water be released from the dam under the plans discussed in this EIS?
15	Introduction of an exotic species led to the extirpation of the Rio Grande silvery minnow.
16	What about other biological resources (beside threatened and endangered species)? How will potential impacts to these resources be assessed?
17	Will the EIS factor in impacts to groundwater, wells, and surface water temperatures?
18	Consider brush removal.
19	Many springs have been lost over the last 100 years. Some could be restored using better habitat management and habitat restoration.
20	Consider watershed treatment.
21	In 1937 Rotenone was placed in the Pecos River; in 1955 or 1956 another chemical was added to the river to kill fish. How has the shiner survived this?
22	What is the collection history of the shiner?
23	Where do the fish go when the river is dry? Do they burrow in the sand?
24	What are the historic records of intermittency and river drying?
25	What data and studies have been done to document shiners since listing?
26	Who wrote the final rule?

**Table 3-2 (continued)**

27	Who has the authority to operate Santa Rosa Reservoir? Why didn't the US Army Corps of Engineers release water last year? Why did they allow the Sumner Reservoir to go dry? Is that not an environmental impact?
28	Coordinated management between Santa Rosa and Sumner reservoirs is needed.
29	Regarding designation of one district (CID) as a Reclamation project but not another: Reclamation owns the (FSID) diversion dam, and FSID is required by contract to follow rules ("laws") for cooperating with Reclamation. Why is FSID not a Reclamation project?
30	Is Reclamation recognizing priority water rights in the basin?
31	If reclamation does not intend to impact FSID water, why is that not stated in the purpose of this EIS?
32	The only way to keep CID whole is at the expense of water users throughout the valley.
33	What does "re-operate" mean in the context of this EIS?
34	The amount of water that the shiner needs to survive is and important parameter. There have been varying estimates. This topic must be seriously evaluated.
35	Is there a way to move/add gauges to better capture data? (Two gauges have been added near Dunlap and Six-mile.)
36	Inconsistency of readings between gauges occurs because sometimes the gauges are out of the wetted channel. How will gauge accuracy/inconsistencies be addressed?
37	Don't think of the shiner as a whooping crane.
38	What disciplines are involved in conducting the EIS other than hydrologists and biologists?
39	Will the EIS address range ecology? If brush and the watershed are properly managed, what will the gain to the river be? If tributaries (such as Yeso) were cleared of brush, water would be added to the Pecos River. Watershed restoration would "generate" water for the Pecos River.
40	Invasion of woody species is a documented concern/impact.
41	Grazing and land management should be addressed as tools for watershed restoration/management.
42	What recourse is available to those who believe that the ROD is incorrect? What happens if the ROD violates state law?

**Table 3-3**  
**Carlsbad, New Mexico, Scoping Meeting Comments**

<b>Comment Number</b>	<b>Comment</b>
1	How will farming be balanced with Endangered Species Act requirements?
2	What is the ecological niche of the shiner? Why is it important?
3	What is the scientific basis for listing the shiner as endangered?
4	Is there a breeding program for the shiner?
5	There would be an adverse effect on the reaches of the river in which shiners are no longer located.
6	There is evidence that dams adversely affected the shiner.
7	What has been the effect of 10 years of modified operations?
8	The river operates naturally.
9	Is a flow of 35 cfs optimum?
10	Is the river monitored for water quality?
11	Water quality issues may lead to fish kills.
12	Has the Sandia labs monitoring data been used? Reclamation will locate this information.
13	How does water salinity affect the shiner?
14	FSID operations should be reviewed because FSID receives winter allocations (CID does not). This does not seem fair.
15	Are there enough gauges in the river? Many existing gauges need maintenance.
16	Produced water source?
17	Are losing stretches of the river recharging the aquifer?
18	Is there over-diversion on tributaries?
19	Why buy water rights if the required flow is not known? Why not lease so the water rights can be returned if it is not needed?
20	What is the economic impact of water rights purchases?
21	Why not use the Six-Mile gauge for the flow target instead of the gauge at Acme?
22	Does more water always mean that there will be more shiners?
23	How much weight does the harm element have?
24	How will flows be used in alternatives?
25	Hybridization?
26	How many other species have become extinct?
27	Would there be reintroduction of the silvery minnow?
28	What is the source of 6,000 acres of CID in the consensus plan?
29	Can shiner data be applied to the silvery minnow?
30	How are the Arkansas shiner related to the Pecos bluntnose shiner?
31	Where would the water come from to keep CID whole?
32	How well did the shiner survive prior to the construction of the Brantley dam?
33	Is pollution a problem in fish kills?
34	What is the effect of WWTP flows?
35	Have pulse flows been considered in the stream?
36	Pulse releases should be considered before block releases.
37	Loss of surface flows at and near Roswell because of aquifer tapping may have reduced spawning habitat.
38	Does the hydrologic model account for springs and surface and groundwater interaction?

**Table 3-4**  
**Roswell, New Mexico, Scoping Meeting Comments**

<b>Comment Number</b>	<b>Comment</b>
1	What will the releases be (how much water will be released, at what intervals, and when)?
2	There is a 30 to 40 percent loss between Fort Sumner and Acme. Historically, fish have survived, even when the river has dried. Why do we need to do anything?
3	Don't fish populations fluctuate under "natural" conditions?
4	Are there "target" numbers of fish we are trying to maintain?
5	Is 35 cfs still viable?
6	Will state line flows be assessed?
7	Will current water offsets continue under the proposed project (eg., BOR leasing, ISC water purchases, etc)?
8	Has the retirement of PVACD rights (25,000 acre-feet of water) had effects on the river?
9	What is the flow rate (in cfs) in the portions of the river where there are fish (bluntnose shiner)?
10	How many days are required to flush them to Brantley? (Approximately 10 days are required, depending on
11	How would designating critical habitat for the Pecos bluntnose shiner on the Pecos River impact water operations?
12	How will oil company water impact the project. ISC wants them to pipe water to Daggerman Draw.
13	Will water quality standards affect livestock operators? What types of effects are anticipated?
14	The No Action Alternative should represent conditions on the Pecos River from 1937 to 1991, before the health of the silvery minnow population was considered threatened.
15	Reclamation's purchase of water would result in lower local property tax revenues. Leasing would be a better alternative for the local economy, with respect to this loss.
16	Economic conditions have already caused farmers to conserve water, alter crops, and make other adjustments.
17	It will be difficult to buy land and water.

# CHAPTER 4

## SUMMARY OF FUTURE STEPS

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### 4.1 OVERVIEW

Public scoping is the first phase of the public involvement program for the EIS. Additional involvement efforts will include the following:

**Newsletters:** Additional volumes of the project newsletters, *River Notes*, will be published and distributed to keep the public informed on the status and findings of the EIS effort. Future editions will likely include the alternatives, the findings and release of the Draft EIS, the results of the public review of the Draft EIS, and the release of the Final EIS and Record of Decision.

**Public Review of Draft EIS:** Reclamation will prepare the Notice of Availability (NOA) of the Draft EIS. The NOA will be published in the Federal Register to officially notify the public, agencies, and interested groups that the Draft EIS is available for review and comment. In addition, press releases and advertisements will invite public comments on the document's content. Ninety days after the publication of the NOA will be allowed for the public to review the document and to submit comments. Four or more public meetings will be conducted to solicit written and oral comments on the Draft EIS.

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## **APPENDIX A**

### **NOTICE OF INTENT**

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The attached pages from the *Federal Register* include the notice of intent (NOI) for the Carlsbad Project Water Operations and Water Supply Conservation EIS. The NOI was published on October 4, 2002, and officially initiated the scoping process for the project.

## 4310-MN-P

**DEPARTMENT OF THE INTERIOR**

Bureau of Reclamation

Carlsbad Project Water Operations and Water Supply Conservation

**AGENCY:** Bureau of Reclamation, Interior

**ACTION:** Notice of Intent to Prepare a Draft Environmental Impact Statement and Announcement of Public Scoping Meetings

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, the U.S. Bureau of Reclamation (Reclamation) and the New Mexico Interstate Stream Commission (NMISC) will prepare a draft environmental impact statement (EIS) on Carlsbad Project water operations and water supply conservation to address changes in the operation of Sumner Dam, located on the Pecos River, New Mexico, and implementation of a proposed water acquisition program in the Pecos River Basin. Reclamation is the lead federal agency and the NMISC will serve as a joint lead agency for NEPA compliance for the proposed action. The purpose of Reclamation's proposed federal action is to conserve the Pecos bluntnose shiner, a federally threatened fish species, and to conserve the Carlsbad Project water supply. The underlying need for Reclamation action is compliance with the Endangered Species Act and Reclamation's responsibility to conserve the Carlsbad Project water supply.

Operation of Sumner Dam, and related operations of Santa Rosa, Brantley, and Avalon Dams, and the authorities under which those facilities are operated, will be reviewed to identify operational flexibility and opportunities to accomplish the purposes of the Carlsbad Project. As the EIS progresses, there may develop a need to assess some change in the operation of Fort Sumner Irrigation District Diversion Dam (owned by Reclamation and operated by the Fort Sumner Irrigation District). Effects of proposed operational changes on water supply and other affected resources will be analyzed and options to mitigate for any adverse impacts will be identified. A water acquisition program will be proposed to conserve Carlsbad Project water supply. The EIS will also identify potential effects to Texas state line water deliveries and to the state of New Mexico's ability to comply with the Pecos River Compact and the U.S. Supreme Court Amended Decree in Texas v. New Mexico and will include reasonable options to avoid or minimize effects. The proposed operational changes and mitigation options will be within the existing authority of Reclamation, and will comply with state, federal, and other applicable laws and regulations. During the process, opportunities to provide additional environmental, recreational, and water supply benefits may be identified and incorporated.

The following agencies, governmental bodies, and irrigation/conservancy districts will be invited to participate in the EIS process: Carlsbad Irrigation District, Pecos Valley Artesian Conservancy District, Fort Sumner Irrigation District, U.S. Fish and Wildlife Service, New Mexico Department of Game and Fish, U.S. Army Corps of Engineers, Pecos Valley Water Users Organization, Chaves County, De Baca County, Eddy County, and Guadalupe County.

To receive input from interested organizations and individuals, public scoping meetings will be held and additional input invited. Scoping is an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. The purpose of scoping is to obtain information that will focus the environmental documentation on significant issues. The scoping period is open through December 6, 2002.

**DATES AND ADDRESSES:** Public scoping meetings will be held during the month of October in Santa Rosa, Ft. Sumner, Carlsbad, and Roswell, New Mexico. The dates and times of the meetings are as follows:



- Monday, October 21, 2002, 7:00 p.m. to 9:00 p.m., City Hall Meeting Room, 141 5<sup>th</sup> Street, Santa Rosa, New Mexico 88435.
- Tuesday, October 22, 2002, 7:00 p.m. to 9:00 p.m., Village Community House, 1204 North 4<sup>th</sup> Street, Ft. Sumner, New Mexico 88119.
- Wednesday, October 23, 2002, 7:00 p.m. to 9:00 p.m., Pecos River Village Conference Center, 711 Muscatel, Room 3, Carlsbad, New Mexico 88220.
- Thursday, October 24, 2002, 7:00 p.m. to 9:00 p.m., Bureau of Land Management Conference Room, 2909 West 2<sup>nd</sup> Street, Roswell, New Mexico 88201.

The release date of the draft EIS for public comment as well as the dates that the public hearings will be conducted to receive comments on the EIS will be announced in the Federal Register and in the local news media.

Reclamation also invites written input to the scoping process. Written comments regarding the scope and content of the EIS should be addressed to Lori Robertson, Bureau of Reclamation, Albuquerque Area Office, 505 Marquette, N.W., Suite 1313, Albuquerque, New Mexico 87102; faxogram (505) 248-5356; e-mail: [lrobertson@uc.usbr.gov](mailto:lrobertson@uc.usbr.gov). In order to be most useful, comments should be received by December 6, 2002. Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lori Robertson, Bureau of Reclamation, 505 Marquette, N.W., Suite 1313, Albuquerque, New Mexico 87102; e-mail: [lrobertson@uc.usbr.gov](mailto:lrobertson@uc.usbr.gov); telephone (505) 248-5326, or Mr. John W. Longworth, New Mexico Interstate Stream Commission, Bataan Memorial Building, State Capitol, P.O. Box 25102, Santa Fe, New Mexico 87504; e-mail: [jlongworth@ose.nm.us](mailto:jlongworth@ose.nm.us); telephone (505) 827-7847.

**SUPPLEMENTARY INFORMATION:** Federal involvement in the Pecos River Basin began in 1905 with authorization of the Carlsbad Project. Reclamation stores and delivers Carlsbad Project water for the benefit of the Carlsbad Irrigation District (CID). Reclamation's Carlsbad Project facilities on the Pecos River now include Sumner Dam, Brantley Dam, and Avalon Dam. The Black River Diversion Dam is also a Carlsbad Project facility. Reclamation and CID are also permitted to store Carlsbad Project water in Santa Rosa Lake provided total storage in all four reservoirs does not exceed 176,500 acre-feet. The Fort Sumner Diversion Dam is owned by Reclamation but it is not associated with the Carlsbad Project. The Fort Summer Irrigation District operates the facility and holds title to all water rights diverted at the dam.

In 1987, the Pecos bluntnose shiner was listed by the U.S. Fish and Wildlife Service as a threatened species and approximately 101 miles of the Pecos River were designated as critical habitat. Releases from Sumner Dam in 1989 adversely affected the Pecos bluntnose shiner. Reclamation consulted with the U.S. Fish and Wildlife Service and received a biological opinion from them in 1991 indicating that operation of Reclamation's Pecos River facilities was jeopardizing the continued existence of the Pecos bluntnose shiner. In 1992, Reclamation began a cooperative research program aimed at determining how to meet the needs of the Pecos bluntnose shiner and downstream water users. Through a multi-agency collaborative effort, a hydrologic model has been developed and various biological reports have been prepared.

For several years, Reclamation and the NMISC have worked together to address Pecos River water issues. Recently, the two agencies developed an approach for environmental review of proposed Pecos River Basin activities. One EIS would be prepared for Reclamation's Carlsbad Project water operations and water acquisition (Carlsbad Project Water Operations and Water Supply Conservation EIS which is the subject of this Notice of Intent). Another EIS would be prepared for a miscellaneous purposes contract that would allow the NMISC to use Carlsbad Project water allocated to approximately 6,000 acres of Carlsbad Irrigation District land for purposes other than agriculture (Miscellaneous Purposes Contract EIS). Reclamation and the NMISC plan to conduct both EIS processes concurrently to the extent possible and fully coordinate environmental analyses.

The range of alternatives to be analyzed in this EIS would likely include various operational scenarios for Sumner Dam and various sources and quantities of water for the water acquisition program. Adjustments to the timing, magnitude, frequency, duration, and rate of change of releases from Sumner Dam will likely be addressed. The quantity of water stored in or bypassed through Sumner Reservoir during low-flow periods will be addressed. To the extent that revised operations diminish the Carlsbad Project water supply, the alternatives will include various water acquisition options. Water offsets could be through acquisition of water rights voluntarily offered for sale or lease and other cooperative mitigation efforts. The concept of adaptive management would be incorporated to allow refinement of operations or changes to targets and ranges as new information becomes available, and in response to environmental conditions.

The environmental evaluation will assess potential effects that the proposed action may have on Indian Trust Assets. It will also assess potential disproportionate effects on minority or low-income communities. Currently, there are no known environmental justice or Indian Trust Asset issues related to the proposed action. Operational scenarios and water right acquisitions and other cooperative mitigation efforts have the potential to adversely affect New Mexico's ability to maintain compliance with the Pecos River Compact and Amended Decree. Effects of each alternative on New Mexico's state line deliveries and its Pecos River Compact obligations will be evaluated. With successful mitigation measures, the most significant issues associated with the proposed action are thought to be economic and social change associated with permanent retirement of irrigated farmland.

9/17/02

Date

/s/ Rick L. Gold

Rick L. Gold

Regional Director, Upper Colorado Region

## APPENDIX B

### NEWSLETTER

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In order to inform interested parties of the for the Carlsbad Project Water Operations and Water Supply Conservation EIS, the location of scoping meetings, and the opportunity to comment, the following newsletter, *River Notes*, was mailed directly to over 200 contacts on the distribution list on October 10, 2002.



# RIVER NOTES

A Newsletter of the Carlsbad Project Water Operations & Water Supply Conservation EIS  
October 2002

## Environmental Study to be Prepared

The US Bureau of Reclamation (Reclamation) and New Mexico Interstate Stream Commission (ISC) are preparing an environmental impact statement (EIS) addressing re-operation of the Sumner Dam and implementation of a water acquisition program in the Pecos basin.

The Carlsbad Project Water Operations and Water Supply Conservation Project is needed for Reclamation to comply with the Endangered Species Act by protecting the threatened Pecos bluntnose shiner. In 1991, the US Fish and Wildlife Service issued a biological opinion indicating that operation of Reclamation's Pecos River facilities was jeopardizing the continued existence of the shiner.

In 1992, Reclamation began a cooperative research program aimed at determining how to meet the needs of the Pecos bluntnose shiner and downstream water users. This ongoing investigation has revealed that operating Sumner Dam in a manner that would protect the Pecos bluntnose shiner would mean an additional net depletion from the Pecos River system. Therefore the project is needed to

conserve the Carlsbad Project water supply.

To meet these legal mandates, Reclamation and ISC are proposing to revise dam operations and develop a water acquisition and management program. Supplemental water may be obtained from a variety of sources, including water rights acquisition from willing sellers and water rights leasing. The effect of revised dam operations on New Mexico's Pecos River Compact obligations and water deliveries at the New Mexico-Texas state line will be analyzed as a resource impact indicator.

Key issues to be addressed in the EIS include:

- \* What are the needs of the shiner?
- \* How much water will be required to meet these needs?
- \* How can operations be modified to provide flows?
- \* How will water be obtained to protect the shiner and to maintain supply to the Carlsbad Project while meeting delivery obligations at the New Mexico-Texas state line?

The EIS is being prepared in accordance with the National Environmental Policy Act

(NEPA). This law requires federal agencies to assess environmental impacts of their proposed action before action is taken. Compliance with NEPA is generally obtained by preparation of an environmental assessment or a more intensive EIS.

In 1997, Reclamation began preparation of an environmental assessment. After obtaining input from the public and other federal and state agencies, Reclamation determined that an EIS should be prepared. Reclamation and ISC have worked to develop a Memorandum of Agreement for conducting the EIS as joint leads. In order to address conflicting goals between the two lead agencies, Reclamation proposed that two EISs be conducted: one addressing Reclamation's needs (the Carlsbad Project Water Operations and Water Supply Conservation EIS) and another focusing on ISC's needs.

## Public Involvement Encouraged

Public participation is a key component of the EIS process, allowing decision-makers to fully understand the concerns and interests of individuals, organizations, and agencies. Additionally, public involvement helps identify relevant environmental and socioeconomic issues and data, and allows for refinement of alternatives to the proposed action. Reclamation and ISC are implementing a public involvement process for the EIS.

Four scoping meetings will be held the week of October 21<sup>st</sup> in Santa Rosa, Ft. Sumner,

Carlsbad, and Roswell, New Mexico. This is an opportunity for the public to learn more about the project and to provide their comments. Reclamation and ISC are also soliciting written comments, including letters, faxes, or e-mail.

To keep the public informed, newsletters will be distributed periodically. Copies of the Draft EIS will be made available for public review and comment, likely sometime in the fall of 2003. Public meetings will be held to answer questions on the Draft EIS and obtain verbal comments.

### Public Meetings Schedule

#### Endangered fish!

#### Carlsbad Project needs!

#### Appropriated river!

#### Water for fish!

#### Water rights acquisition!

#### Compact obligations!

Please come help us identify other environmental issues and concerns. Reclamation will conduct four scoping meetings to obtain public input on the Carlsbad Project Water Operations and Water Supply Conservation EIS. The dates and locations are below. All meetings will take place from 7:00 pm to 9:00 pm.

**October 21<sup>st</sup>**, City Hall Meeting Room,  
141 5th St., Santa Rosa, NM

**October 22<sup>nd</sup>**, Village Community House,  
204 N. 4th St., Ft. Sumner, NM

**October 23<sup>rd</sup>**, Pecos River Village Conference Center, Room 3, 711 Muscatel,  
Carlsbad, NM

**October 24<sup>th</sup>**, Bureau of Land Management Conference Rm, 2909 W. 2nd St.,  
Roswell, NM

### Project Timeline

Publish NOI  
October 2002



Public Scoping Meetings  
October 2002



Alternative development  
and analysis  
winter 2002/2003



Draft EIS  
fall 2003



Public Meetings  
fall 2003



Final EIS  
summer 2004

# Pecos Bluntnose Shiner Studies

The Pecos bluntnose shiner (shiner) is a member of the minnow family that is found only in a 225-mile stretch of New Mexico's Pecos River between Sumner Dam in De Baca County and Brantley Reservoir in Eddy County. In 1987, the shiner was federally-listed as a threatened species, along with its critical habitat, under the Endangered Species Act of 1973. About 100 miles of the Pecos River were designated as critical habitat for the shiner.

In 1992, several federal and state agencies began to research the shiner and its habitat needs. Information was collected on both the shiner and flows within the Pecos River. It was found that the best habitat for the shiner is between Taiban Creek and the City

of Roswell in Chaves County, New Mexico.

The shiner has an extended reproduction season and is able to spawn (release eggs) from April through September, although the peak spawning season is during the summer months. The shiner is stimulated to spawn by increases in river flows. It releases eggs that float for up to two days prior to hatching. After hatching, the young drift for up to four days before settling in still-water areas for feeding. When irrigation deliveries are made and large amounts of water are released from Sumner Dam, the shiner spawns and eggs and larvae are transported downstream. Since the young shiner are unable to escape the current until they are about six days old, many are carried downstream and into Brantley Reservoir when irrigation deliveries are made. The shiners do not survive in Brantley Reservoir.

Shiners can live up to two to three years and have an average length of about 2.2 inches, but can grow to over three inches. Shiners

prefer shallow areas with low-velocity flows over a sand bottom. Habitat needs are complex and involve not only the depth and speed at which the water is flowing, but also the shape of the river bottom. The shiner and other native fish use underwater dunes, pools, and backwaters created by a shifting sand river bottom. These types of habitats are not available at extremely low or extremely high flows.

Information collected during these studies will be used to develop guidelines for operating Sumner Dam. Modified operations are expected to help conserve the shiner in compliance with the Endangered Species Act. At Reclamation's request, some initial flow management recommendations have been made. Fish researchers have recommended that irrigation releases from Sumner Dam should not last longer than 15 days to help reduce the washing of young downstream. To help make river habitat suitable for the shiner, the US Fish and Wildlife Service has recommended a constant flow at the US Geological Survey's Acme gauge.



## How to Contact Us

**Ms. Lori Robertson**  
*Reclamation Team Leader*

### US Bureau of Reclamation

Albuquerque Area Office  
505 Marquette NW, Ste. 1313  
Albuquerque, NM 87102  
(505) 248-5326  
(505) 248-5308 FAX  
E-mail: lrobertson@uc.usbr.gov

**Mr. Phillip Soice**  
*ISC Team Leader*

### New Mexico Interstate Stream Commission

PO Box 6050  
Santa Fe, NM 87502-6050  
(505) 820-6824  
(505) 820-6061 FAX  
E-mail: swwater@newmexico.com

## Cooperative Effort

The successful implementation of the Carlsbad Project Water Operations & Water Supply EIS requires the participation and expertise of many federal, state, and local agencies. The following agencies have been requested to participate in the preparation of the EIS:

*US Fish and Wildlife Service*

*US Army Corps of Engineers*

*NM Department of Game and Fish*

*Chaves County*

*Eddy County*

*Carlsbad Irrigation District*

*Fort Sumner Irrigation District*

*Pecos Valley Artesian Conservancy District*

*Pecos Valley Water Users Organization*

*DeBaca County*



## APPENDIX C

### DISPLAY ADVERTISEMENT

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The following display advertisement was published on October 16, 2002 in the *Hobbes News-Sun*, *Current Argus*, and *Roswell Daily Record*. It was also published in the *DeBaca County News* and the *Santa Rosa Communicator* on October 17, 2002 and the *Santa Rosa News* on October 18, 2002. The same text as in the display advertisement also was published as a legal notice in the October 16, 2002 edition of the *Albuquerque Journal*.

**BUREAU OF RECLAMATION**  
**CARLSBAD PROJECT WATER OPERATIONS & WATER SUPPLY CONSERVATION EIS**

**Public Meetings To Be Held**

The Bureau of Reclamation is preparing an environmental impact statement (EIS) to address proposed changes in the operation of Sumner Dam and implementation of a water acquisition program in the Pecos River basin. These projects are designed to protect the federally listed threatened Pecos bluntnose shiner and conserve the Carlsbad Project water supply. The effects of these changes on water supply to downstream users and other resources, mitigation measures, and options to provide additional environmental and recreational benefits will be discussed.

Meetings to obtain public input are scheduled for **7:00pm to 9:00pm** at the following locations:

**Monday, October 21, 2002; Santa Rosa, NM.**  
City Hall Meeting Room, 141 5<sup>th</sup> St.

**Tuesday, October 22, 2002; Ft. Sumner, NM.**  
Village Community House, 1204 N. 4<sup>th</sup> St.

**Wednesday, October 23, 2002; Carlsbad, NM,** Pecos River Village Conference Center, Room 3, 711 Muscatel

**Thursday, October 24, 2002; Roswell, NM.**  
BLM Conference Room, 2909 W. 2<sup>nd</sup> St.

The public is encouraged to send written comments to:  
Ms. Lori Robertson, Bureau of Reclamation, 505 Marquette NW, Suite 1313, Albuquerque, NM 87102  
e-mail: lrobertson@uc.usbr.gov





# APPENDIX D

## PUBLIC SCOPING MEETING HANDOUTS

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The following project background summary, resources (to be addressed in the EIS) fact sheet, and NEPA process fact sheet were provided to all public open house attendees at the open houses in Santa Rosa, Fort Sumner, Carlsbad, and Roswell, New Mexico, on October 21, October 22, October 23, and October 24, 2002, respectively. Copies of the October 2002 issue of *River Notes*, were also available to open house attendees upon request, and a map of the project area and a poster of the NEPA process as it relates to the Carlsbad Project Water Operations and Water Supply Conservation EIS were on display at each meeting.

# CARLSBAD PROJECT WATER OPERATIONS & WATER SUPPLY CONSERVATION EIS RESOURCES TO BE ADDRESSED FACT SHEET

## PURPOSE OF AND NEED FOR PROPOSED ACTION

The purpose of Reclamation's proposed re-operation of Sumner Dam is to conserve the Pecos bluntnose shiner. The purpose of Reclamation's proposed water acquisition program is to conserve Carlsbad Project water supply. The need for Reclamation action is compliance with the Endangered Species Act and consistency with Reclamation's responsibility to conserve Project water supply. This purpose and need statement serves as the basis for developing action alternatives. Additional criteria that will be used to refine and screen action alternatives may include safety of dams, flood control, socioeconomic impacts, and environmental and recreational benefits.

## RESOURCES TO BE EXAMINED

### SETTING

- Geology
- Climate

### SURFACE WATER

- General description of trends, purposes, operational priorities
- Water Operations: Description of operations, reservoirs, streamflows, water deliveries and supplies

### GROUNDWATER

- General description, groundwater systems, transport losses, depth to groundwater, groundwater quality, interactions with surface water

### WATER QUALITY

- Reservoirs, Pecos River, salinity, mercury

### THREATENED AND ENDANGERED SPECIES

- Pecos bluntnose shiner
- Interior least tern, Bald eagle

### FISH

- Native riverine species, reservoir fisheries

### WILDLIFE AND HABITAT

### LAND AND SOILS

### RECREATION

### ECONOMICS/SOCIAL AND COMMUNITY CONDITIONS

- Agriculture, local and regional economies, environmental justice

### CULTURAL RESOURCES

- Historic sites, traditional cultural properties, sacred sites

### INDIAN TRUST ASSETS



## CARLSBAD PROJECT WATER OPERATIONS & WATER SUPPLY CONSERVATION EIS PROJECT BACKGROUND FACT SHEET

Federal involvement in the Pecos River Basin began in 1905 with authorization of the Carlsbad Project. US Bureau of Reclamation (Reclamation) stores and delivers Carlsbad Project water for the benefit of the Carlsbad Irrigation District (CID). Reclamation's Carlsbad Project facilities on the Pecos River now include Sumner Dam, Brantley Dam, and Avalon Dam. Reclamation and CID are also permitted to store Carlsbad Project water in Santa Rosa Lake provided total storage in all four reservoirs does not exceed 176,500 acre-feet. The Fort Sumner Diversion Dam is owned by Reclamation, but it is not associated with the Carlsbad Project. The Fort Sumner Irrigation District operates the facility and holds title to all water rights diverted at the dam.

In 1987, the Pecos bluntnose shiner was listed by the US Fish and Wildlife Service as a threatened species and approximately 101 miles of the Pecos River were designated as the shiner's critical habitat. Releases from Sumner Dam in 1989 adversely affected the Pecos bluntnose shiner. Reclamation consulted with the US Fish and Wildlife Service and received a biological opinion from them in 1991 indicating that operation of Reclamation's Pecos River facilities was jeopardizing the continued existence of the Pecos bluntnose shiner. In 1992, Reclamation began a cooperative research program aimed at determining how to meet the needs of the Pecos bluntnose shiner and downstream water users. Through a multi-agency collaborative effort, a hydrologic model has been developed and various biological reports have been prepared.



The Pecos bluntnose shiner is a federally protected species under the Endangered Species Act

For several years, Reclamation and the New Mexico Interstate Stream Commission (NMISC) have worked together to address Pecos River water issues. Recently, the two agencies developed an approach for environmental review of proposed Pecos River Basin activities. One EIS would be prepared for Reclamation's Carlsbad Project water operations and water acquisition (Carlsbad Project Water Operations and Water Supply Conservation EIS, which is the subject of this Fact Sheet). Another EIS would be prepared for a miscellaneous purposes contract that would allow the NMISC to use Carlsbad Project water allocated to approximately 6,000 acres of CID land for purposes other than agriculture (Miscellaneous Purposes Contract EIS). Reclamation and the NMISC plan to conduct both EIS processes concurrently to the extent possible and fully coordinate environmental analyses.

The range of alternatives to be analyzed in this EIS would likely include various operational scenarios for Sumner Dam and various sources and quantities of water for the water acquisition program. Adjustments to the timing, magnitude, frequency, duration, and rate of change of Sumner Dam releases will likely be addressed. The quantity of water stored in or bypassed through Sumner Reservoir during low-flow periods will be addressed. To the extent that revised operations diminish the Carlsbad Project water supply, the alternatives will include various water acquisition options. Water offsets could be through acquisition of water rights voluntarily offered for sale or lease and other cooperative mitigation efforts. The concept of adaptive management would be incorporated to allow refinement of operations, or changes to targets and ranges, as new information becomes available and in response to environmental conditions.



Operations of Sumner Dam will be assessed in the EIS

The EIS will assess potential effects that the proposed action may have on Indian Trust Assets. It will also assess potential disproportionate effects on minority or low-income communities. Currently, there are no known issues such as these that are related to the proposed action. Operational scenarios, water right acquisitions, and other cooperative mitigation efforts have the potential to adversely affect New Mexico's ability to maintain compliance with the Pecos River Compact and Amended Decree, which requires that a certain amount of Pecos River water be available to Texas at the state line. Effects of each alternative on New Mexico's state line deliveries and its Pecos River Compact obligations will be evaluated. With successful mitigation measures, the most significant issues associated with the proposed action are anticipated to be economic and social change associated with permanent retirement of irrigated farmland.

### **We want your input!**

Written comments regarding the scope and content of the EIS should be addressed to:

Lori Robertson  
Bureau of Reclamation, Albuquerque Area Office  
505 Marquette, N.W., Suite 1313  
Albuquerque, New Mexico 87102  
Faxogram (505) 248-5308; e-mail: [lrobertson@uc.usbr.gov](mailto:lrobertson@uc.usbr.gov).

In order to be most useful, comments should be received by December 6, 2002.

# **CARLSBAD PROJECT WATER OPERATIONS & WATER SUPPLY CONSERVATION EIS NEPA PROCESS FACT SHEET**

## **What is NEPA?**

- The National Environmental Policy Act (NEPA) of 1969 establishes a basic framework for encouraging environmental protection in the United States.
- There are two primary objectives of NEPA:
  1. Ensure that agencies consider every significant aspect of a proposed project's environmental impact.
  2. Inform and involve the public of potential impacts and alternatives.
- The NEPA process is a set of activities to gather information on, analyze, and document the potential environmental effects of the proposed project.

## **When is the NEPA Process Required?**

- NEPA is required when a Federal action, involving Federal funding, Federal permits and policy, Federal facilities or equipment, or Federal employees, that may have impacts on the human environment is taken.

## **Why is Action Needed and What is Being Proposed?**

- The purpose of the Bureau of Reclamation's (Reclamation) proposed federal action is to conserve the Pecos bluntnose shiner, a federally threatened fish species, and to conserve the Carlsbad Project water supply. The underlying need for Reclamation action is compliance with the Endangered Species Act and Reclamation's responsibility to conserve the Carlsbad Project water supply.
- To meet this need, Reclamation is proposing to revise operations of Sumner Dam and other infrastructure related to the Carlsbad Project.

## **Lead Agencies**

- Federal, state and local agencies, including at least one federal agency, may act as joint lead agencies to prepare an EIS. The Bureau of Reclamation and the New Mexico Interstate Stream Commission have the primary responsibility and are the joint lead agencies for this EIS.

### **What actions triggered the NEPA Process for this project?**

- Actions that trigger NEPA Reclamation's re-operation of Sumner Dam and associated management of Carlsbad Project conservation storage in Santa Rosa, Brantley, and Avalon Reservoirs, possible changes in water operations and management within the Fort Sumner Irrigation District, and implementation of water acquisition and management programs as needed to comply with the Endangered Species Act and to avoid impairing Carlsbad Project water supplies.

### **What environmental documentation will be prepared?**

- The Bureau of Reclamation and New Mexico Interstate Stream Commission will prepare an Environmental Impact Statement (EIS) addressing the potential environmental and socioeconomic impacts from the proposed action.

### **How will the public be involved in the NEPA Process for this project?**

- Two major opportunities for the public to become involved in the Carlsbad Project Water Operations & Water Supply Conservation EIS are: (1) at the beginning of the NEPA process during the public scoping period, and (2) after the Draft EIS has been prepared. Additional workshops to solicit additional public input may be scheduled during the preparation of the EIS.
- During the scoping period, four public meetings will be conducted during the week of October 21, 2002. Meetings will be held in Santa Rosa, Ft. Sumner, Carlsbad, and Roswell, New Mexico.
- Written comments, including letters, faxes, or e-mails, will be accepted throughout the process; however, the scoping process officially ends on December 6, 2002.
- During scoping, the public is encouraged to help define the range of issues to be addressed in the NEPA evaluation, suggest sources of relevant data, and suggest analysis methods for inclusion in the EIS.
- The Draft EIS will be released for a 60-day public review and comment period in the fall of 2003.

### **Where do we send comments?**

- Written comments regarding the scope and content of the EIS should be addressed to:  

Lori Robertson  
Bureau of Reclamation, Albuquerque Area Office  
505 Marquette, N.W., Suite 1313  
Albuquerque, New Mexico 87102

Fax (505) 248-5308  
e-mail: lrobertson@uc.usbr.gov

# APPENDIX E

## COMMENT FORM

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The following comment card was provided to all attendees of the public scoping meetings on October 21 through 24, 2002.

## SPEAKER REGISTRATION/COMMENT CARD

_____	Individual (no affiliation)
_____	Private Organization
_____	Federal, State, or Local Government
_____	Citizen's Group
_____	Elected Representative
_____	Regulatory Agency

Phone # (optional): \_\_\_\_\_

[illegible]

E-2



# **APPENDIX F**

## **WRITTEN COMMENTS**

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The following are the written comments provided during the public scoping period between October 4 and December 18, 2002.

income from our farms.  
is loss

CARLSBAD PROJECT WATER OPERATIONS & WATER  
SUPPLY CONSERVATION FJS

CARLSBAD SCOPING MEETING: October 23, 2002

SPEAKER REGISTRATION/COMMENT CARD

Please check your affiliation below:

<input type="checkbox"/>	Individual (no affiliation)
<input type="checkbox"/>	Private Organization
<input type="checkbox"/>	Federal, State, or Local Government
<input type="checkbox"/>	Citizen's Group
<input type="checkbox"/>	Elected Representative
<input type="checkbox"/>	Regulatory Agency

Name: Johanna Gironzo, JR  
Organization (if applicable): Farmer Day: 2 12: 4  
Street Address (optional): PO Box 513  
City/State/Zip (optional): Loving, N. Mex 88256  
Phone # (optional): 745-3389

Do you wish to speak this evening? Yes No

If you wish to provide written comments only, please write your comments below (use back if needed). Thank you.

Comments:

I think for this threatened species  
minnow water is so short that this minnow  
will be out of water as fast as we farmers if  
you release water from Summer Dam when  
the barrel is empty so is this minnow.  
I suggest you run a fast line to return  
the river water back into Summer Dam for  
the releases so you have enough water, so  
you don't take more water as needed for  
this minnow.

~~At this meeting~~

The water releasing for this minnow  
Turn in tonight or mail/fax by December 6, 2002 to: Lori Robertson, (lover)  
Bureau of Reclamation, Albuquerque Area Office, 505 Marquette,  
N.W., Suite 1313, Albuquerque, New Mexico 87102.

Fax (505) 248-5356. E-mail: robertson@ac.usbr.gov

**David Batts**

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**From:** Cammy Mansell [mansellc@plateautel.net]  
**Sent:** Thursday, December 05, 2002 8:56 AM  
**To:** David Batts  
**Subject:** remarks from FSID  
**Importance:** High

Fort Sumner Irrigation District  
PO Box 374  
Fort Sumner, NM 88119  
(505)355-2630

December 5, 2002

David Batts  
Tetra Tech, Inc.

Dear Mr. Batts:

The Fort Sumner Irrigation Board would like to submit the following remarks concerning the "Carlsbad Project Water Operations & Water Supply Conservation EIS":

- 1) This study needs to be based on current, factual, sound, scientific, ecological and biological data.
- 2) Include a detailed, realistic "Economic Impact Analysis" for each county involved and/or effected.
- 3) Conduct a more detailed study of historical data from a wider range of sources for river flow and intermittency.

Respectfully Submitted,

Leslie Armstrong, President

12/12/2002

James Joiner, Director  
J. C. Dunn, Director

Craig T. Erickson	John W. Utton
Juan L. Flores	Ray M. Vargas, II
David P. Gorman	Robert P. Warburton
Kim A. Griffith	
Amy I. Haas	
Susan C. Kery	<i>Of Counsel</i>
Philip P. Larragoite	Briggs F. Cheney
Timothy M. Sheehan	Thomas J. Horan
Luis G. Stelzner	Pat Sheehan

December 6, 2002

**BY FACSIMILE & FIRST CLASS U.S. MAIL**

Mr. Kenneth G. Maxey  
Area Director, Albuquerque Area Office  
United States Bureau of Reclamation  
505 Marquette, N. W., Suite 1313  
Albuquerque, New Mexico 87102

Re: **CARLSBAD PROJECT WATER OPERATIONS & SUPPLY CONSERVATION EIS**

*SHEEHAN,  
SHEEHAN  
&  
STELZNER,  
P.A.  
ATTORNEYS  
AT LAW*

Dear Mr. Maxey:

On behalf of the Fort Sumner Irrigation District, I am writing you regarding the Bureau's work on the Environmental Impact Statement (EIS) covering water operations and water supply conservation for the Carlsbad Project. FSID endorses and supports your EIS work as part of the Bureau's compliance with the National Environmental Policy Act and the Endangered Species Act. Nonetheless, we are concerned that the scope of the EIS may be going far afield in considering alternatives that may harm FSID without its consent.

One of the proposed actions is: "To revise operation of Sumner Dam and other infrastructure related to the Carlsbad Project to conserve the Pecos bluntnose shiner, a federally endangered fish, and to conserve the Carlsbad Project water supply." FSID is reluctant to support this or any other action that may infringe upon FSID water usage unless you can demonstrate no harm will result to our operations.

The water rights held by FSID members are pre-1907 rights that vested before creation of the Carlsbad Project. They are privately held rights that are not owned by the Bureau of Reclamation. In 1972, the New Mexico State Engineer granted a permit to the Bureau and Carlsbad Irrigation District to transfer water to Santa Rosa Reservoir. The Findings and Order by State Engineer Steve Reynolds granted the permit based on the

Suite 300  
707 Broadway N.E.  
Albuquerque, New Mexico 87102  
P. O. Box 271  
Albuquerque, New Mexico 87103  
505-247-0411  
505-842-8890 FAX  
Website: [www.ssslawfirm.com](http://www.ssslawfirm.com)

December 6, 2002

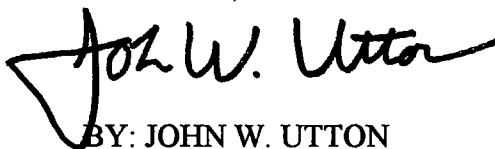
Page 2

conditions that both Santa Rosa and Sumner Reservoirs be operated to assure bypass of flows to satisfy the prior senior natural flow right of FSID.

By this letter, I want to make clear that FSID will not support any change in reservoir operations unless, after consultation with the FSID Board, the Board consents to the change.

Very truly yours,

SHEEHAN, SHEEHAN & STELZNER, P.A.

A handwritten signature in black ink, reading "John W. Utton". The signature is written in a cursive style with a large, stylized initial "J".

BY: JOHN W. UTTON

JWU:tmm

cc: State Engineer Tom Turney  
Tom Davis  
Steve Hernandez

## David Batts

---

**From:** THE CARNELLS [carnell@plateautel.net]  
**Sent:** Wednesday, October 23, 2002 1:20 AM  
**To:** lrobertson@uc.usbr.gov  
**Subject:** Pecos River EIS

Lori Robertson

Bureau of Reclamation, Albuquerque Office

Ms Robertson;

Ms. Robertson, we in the Fort Sumner community appreciates your time and effort to hold one of your informative meetings in our area and to solicit our input.

I sincerely hope that a solution can be found which would result in the declassification of the blunt nosed shiner as endangered. We in this community have had several years of uncertainty coping with a drought and the uncertainty of our agriculture water supply.

My concern as a non-professional observer is for the current large population of some five or six species of minnows, which now inhabit the wet portion of the river some twenty miles downstream from the Lake Sumner Dam. During my observation of these minnows, I reached a non-professional opinion that the area described constitutes an ideal environment for these species. It also appears that the requirements of these minnows are totally different from the Blunt Nosed Shiner.

I strongly recommend that your ongoing EIS include research of the habitat of the minnows that are thriving in the current water system. I am concerned that your proposed water management may save one species and result in habitat destruction of one or more of the minnows who are now thriving. Factually all of the species concerned occupy an identically position in the food chain and river ecology. I find it discomforting that we may trade one endangered species for another species classified as endangered.

Thank you for allowing me to express my opinions.

L. L. Carnell

12/19/2002

**David Batts**

**From:** Tom Bohl [Tom.Bohl@oag.state.tx.us]  
**Sent:** Wednesday, November 06, 2002 3:52 PM  
**To:** lrobertson@uc.usbr.gov  
**Subject:** EIS on Bluntnose Shiner

Lori -

Thanks.

My address is:

Tom Bohl  
Assistant Attorney General  
Natural Resources Division  
P. O. Box 12548  
Austin, Texas 78711

I would like to be on your mailing list, and I would like to talk to you next week.

my phone is 512/475-4228

my fax is 512/320-0052



**David Batts**

**From:** Lisa M. McKnight [LMM@SLWPLC.COM]  
**Sent:** Wednesday, November 06, 2002 11:58 AM  
**To:** 'lrobertson@uc.usbr.gov'  
**Subject:** Carlsbad Project Water Operations & Water Supply Conservation

Dear Ms. Robertson:

As an interested member of the public, we would like to be added to the mailing list for the Draft Environmental Impact Statement and Announcement of Public Scoping Meetings relative to the Carlsbad Project Water Operations.

Comments and draft EIS should be sent to:

Lisa M. McKnight  
Salmon, Lewis & Weldon, PLC  
2850 E. Camelback Road, Suite 200  
Phoenix, AZ 85016

Should you have any questions, please do not hesitate to contact me.

Lisa M. McKnight  
Salmon, Lewis & Weldon, P.L.C.  
2850 East Camelback Road, Suite 200  
Phoenix, AZ 85016  
(602) 801-9065  
(602) 801-9070 (fax)  
[lmm@slwplc.com](mailto:lmm@slwplc.com)



# APPENDIX G

## TRIBAL COORDINATION

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The following is the consultation invitation, requesting government-to-government consultation with various tribal governments regarding the Bureau of Reclamation's Carlsbad Project Water Operations and Water Supply Conservation EIS, submitted on November 21, 2002.



ALB-158  
ENV-1.10

NOV 21 2002

Mr. Rob Baracker  
Regional Director  
Southwest Region  
Bureau of Indian Affairs  
P.O. Box 26567  
Albuquerque, NM 875125-6567

Subject: Consultation Invitation Regarding the Bureau of Reclamation's Carlsbad Project  
Water Operations and Water Supply Conservation Environmental Impact  
Statement

Dear Mr. Baracker:

Enclosed for your information is a copy of a letter in which the U. S. Bureau of Reclamation requests government-to-government consultation with various tribal governments regarding the Bureau of Reclamation's Carlsbad Project Water Operations and Water Supply Conservation Environmental Impact Statement. As well, the list of the Chairs and Natural Resource persons for the contacted tribes is included. In addition to exchanging information with tribal governments, we would also appreciate any feedback you may have regarding the proposed project and possible environmental effects, including the potential to affect Indian trust assets or cultural resources.

For further information, please contact Ms. Lori Robertson at (505) 248-5326.

Sincerely,

Ken Maxey  
Area Manager

Enclosure

cc:

Bureau of Indian Affairs  
Southwest Regional Office  
Branch of Water Rights  
Attention: John Collie or Art Martinez  
P.O. Box 26567  
Albuquerque, NM 87125-6567

Mr. Bill White  
Southwest Regional Office  
Bureau of Indian Affairs  
P.O. Box 26567  
Albuquerque, NM 87125-6567

Mr. Ron Toya, Superintendent  
Mescalero Agency  
Bureau of Indian Affairs  
P.O. Box 189  
Mescalero, NM 88340

Ms. Florine Gutierrez  
Southern Pueblos Agency  
Bureau of Indian Affairs  
P.O. Box 1667  
Albuquerque, NM 87103

Regional Director  
Southern Plains Region  
Bureau of Indian Affairs  
W.C.D. Office Complex  
P.O. Box 368  
Anadarko, OK 73005

Ms. Jan Biella, Acting State Historic Preservation Officer  
New Mexico Historic Preservation Division  
228 E. Palace Avenue  
Santa Fe, NM 87501

ALB-158  
ENV-1.10

NOV 21 2002

Governor Paul Tosa  
Pueblo of Jemez  
P.O. Box 100  
Jemez Pueblo, NM 87024

Subject: Consultation Invitation Regarding Bureau of Reclamation's Carlsbad Project  
Water Operations and Water Supply Conservation Environmental Impact  
Statement

Dear Governor Tosa:

In October 1999, the U.S. Bureau of Reclamation (Reclamation) wrote a letter to you requesting your views on our Pecos River Water Operations Environmental Impact Statement. Since then, and after long negotiations with the New Mexico Interstate Stream Commission (NMISC), we have decided to prepare two EIS documents rather than the one we had previously planned to prepare. The first new EIS, and the subject of this letter, is entitled the Carlsbad Project Water Operations and Water Supply Conservation Environmental Impact Statement. With this letter, we would like to re-initiate consultation with you on this new EIS. The second EIS, to be initiated in the future, will focus on the needs of NMISC and is entitled the Carlsbad Project Miscellaneous Purposes Act Contract EIS.

The Carlsbad Project Water Operations and Water Supply Conservation EIS will focus on the reoperation of Sumner Dam and the implementation of a water acquisition program in New Mexico's Pecos River Basin. The purpose of the reoperation of Sumner Dam is to conserve a threatened species, the Pecos bluntnose shiner, in compliance with the Endangered Species Act. The purpose of the water acquisition program is to conserve the Carlsbad Project water supply by acquiring water to make up for any new depletion, in keeping with Reclamation's requirements to deliver water to the Carlsbad Irrigation Project.

The EIS will address possible changes to operations of Sumner Dam on the Pecos River. The area of evaluation for the proposed action is within the Pecos River Basin from Santa Rosa Reservoir to the New Mexico-Texas state line. The evaluation will cover revised operations for Sumner Dam and any connected operations at Santa Rosa Dam (owned and operated by the U.S. Army Corps of Engineers), Brantley Dam, or Avalon Dam. Water acquisition activities will focus on those options that most effectively conserve project water supply.

The range of alternatives to be analyzed in the EIS would likely include various operational scenarios for Sumner Dam and various sources and quantities of water for the water acquisition program. Adjustments to the timing, magnitude, frequency, duration, and rate of change of releases from Sumner will likely be addressed, as will the quantity of water stored in Sumner Reservoir during low-flow periods. To the extent that revised operations diminish project water supply, the alternatives will include various water acquisition options involving willing sellers.

The purpose of this letter is to invite your tribe's involvement on a government-to-government basis to identify any concerns your tribe may have regarding the potential effects of our future activities on trust assets, cultural and biological resources, or tribal health and safety. Reclamation wants to ensure that you have the opportunity to help us identify and address any issues important to your tribe.

To assist us with NEPA analysis, Reclamation has been working closely with various partners, including NMISC, the Carlsbad Irrigation District, the U.S. Fish and Wildlife Service, the New Mexico Department of Game and Fish, the New Mexico Office of the State Engineer, the U.S. Army Corps of Engineers, the Fort Sumner Irrigation District, the Pecos Valley Artesian Conservancy District, Eddy County, Chaves County, and the Pecos Valley Water Users Organization. To receive additional input from interested organizations and individuals, public scoping meetings were held in Santa Rosa, Fort Sumner, Roswell, and Carlsbad, New Mexico from October 21 through 24, 2002.

As part of the environmental impact statement (EIS) process, potential effects to Indian trust assets, tribal health and safety, and cultural resources will be determined. Reclamation's preliminary assessment has not revealed any potential impacts. However, to fully address and analyze potential effects, Reclamation would appreciate your tribe's input regarding possible impacts to Indian trust assets, tribal health and safety, traditional cultural properties, sacred sites, and other aspects of the tribe's cultural heritage that may be associated with the proposed program.

To facilitate your identification of questions and concerns about the reoperation of Sumner Dam and the implementation of a water acquisition program in southeastern New Mexico, Reclamation will gladly provide any additional information needed by you or your staff. We would welcome an opportunity to meet with you and your staff to describe the EIS in further detail. To discuss the EIS or to arrange a meeting, please contact Ms. Lori Robertson, Manager, Environment and Lands Division at 505/ 248-5326.

Sincerely,

Kenneth G. Maxey  
Area Manager



Copies of this letter sent to Chairs and Natural Resources contacts for the following tribes:

✓ Governor Paul Tosa  
Pueblo of Jemez  
P.O. Box 100  
Jemez Pueblo, NM 87024

Governor Albert Alvidrez  
Pueblo of Ysleta del Sur  
P.O. Box 17579  
El Paso, Texas 79907

Cc: Rick Casada, Cultural Resources Coordinator  
Pueblo of Ysleta del Sur  
P.O. Box 17579  
El Paso, Texas 79907

Governor Alvino Lucero  
Pueblo of Isleta  
P.O. Box 1270  
Isleta Pueblo, New Mexico 87022

Cc: John Sorrell, Hydrologist  
Pueblo of Isleta  
P.O. Box 1270  
Isleta Pueblo, New Mexico 87022

Earl Yeahquo, Chairman  
Kiowa Business Committee  
P.O. Box 369  
Carnegie, OK 73015

Cc: George Daingkau  
Kiowa NAGPRA Coordinator  
Route 2, Box 74  
Ft. Cobb, OK 73038

Sara Misquez, President  
Mescalero Apache Tribe  
P.O. Box 227  
Mescalero, NM 88340

Cc: Donna McFadden  
Tribal Historic Preservation Officer  
Mescalero Apache Tribe  
P.O. Box 227  
Mescalero, NM 88340

Ruey Darrow, Chairman  
Fort Sill Apache Business Committee  
Route 2, Box 121  
Apache, OK 73006

Johnny Wauqua, Chairman  
Comanche Tribal Business Committee  
P.O. Box 908  
Lawton, OK 73502

Cc: Jimmy Arterberry  
NAGPRA Coordinator  
P.O. Box 908  
Lawton, OK 73502

Chairman Wayne Taylor, Jr.  
Hopi Tribe  
P.O. Box 123  
Kykotsmovi, AZ 86039

Cc: Leigh Kuwanwisiwma, Director  
Hopi Cultural Preservation Office  
P.O. Box 123  
Kykotsmovi, AZ 86039